

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

624 FREEDOM LAND TRUST, BY:
A HOME OF MY OWN, LLC, AS
TRUSTEE,

Plaintiff,

v.

Case No: 2:21-cv-47-SPC-NPM

THE BANK OF NEW YORK
MELLON,

Defendant.

ORDER¹

Before the Court is a sua sponte review of the case. Plaintiff 624 Freedom Land Trust, By A Home of My Own LLC (“Freedom”) seeks to voluntarily dismiss this action with prejudice. ([Doc. 23](#)). Defendant The Bank of New York Mellon (“BNYM”) opposes. ([Doc. 24](#)). The Court issued an Order addressing the parties’ concerns and concluding dismissal with prejudice would be appropriate, so long as certain conditions attached. ([Doc. 25](#)). Specifically, “If Freedom refiles this action in any forum, it must pay the attorney’s fees and costs BNYM incurs defending the action.” ([Doc. 25 at 3](#)).

¹ Disclaimer: Documents hyperlinked to CM/ECF are subject to PACER fees. By using hyperlinks, the Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide, nor does it have any agreements with them. The Court is also not responsible for a hyperlink’s availability and functionality, and a failed hyperlink does not affect this Order.


The Court allowed Freedom a reasonable time to object and warned that failure to respond would result in dismissal on those conditions. Because Freedom failed to respond, the Court now dismisses with conditions.

Accordingly, it is now

ORDERED:

- (1) This action is **DISMISSED with prejudice**.
- (2) If Plaintiff refiles this action in any forum, it will be liable for the attorney's fees and costs Defendant incurs defending the action.
- (3) The Clerk is **DIRECTED** to enter judgment, terminate any pending motions or deadlines, and close the case.

DONE and ORDERED in Fort Myers, Florida on April 12, 2021.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record